

2005—Pub. L. 109-59 amended heading and text of section generally. Prior to amendment, text consisted of subssecs. (a) to (h) relating to authorization of appropriations for fiscal years 1995 through 2001 and availability of funds.

1998—Subsecs. (d) to (h). Pub. L. 105-178 added subssecs. (d) to (g) and redesignated former subsec. (d) as (h).

§ 26105. Definitions

For purposes of this chapter—

(1) the term “financial assistance” includes grants, contracts,¹ cooperative agreements, and other transactions;

(2) the term “high-speed rail” means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;

(3) the term “publicly financed costs” means the costs funded after April 29, 1993, by Federal, State, and local governments;

(4) the term “Secretary” means the Secretary of Transportation;

(5) the term “State” means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

(6) the term “United States private business” means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.

(Added Pub. L. 103-440, title I, §103(a)(2), Nov. 2, 1994, 108 Stat. 4618; amended Pub. L. 105-178, title VII, §7201(b), June 9, 1998, 112 Stat. 470; Pub. L. 109-59, title IX, §9001(c), Aug. 10, 2005, 119 Stat. 1919.)

Editorial Notes

AMENDMENTS

2005—Par. (1). Pub. L. 109-59 substituted “, cooperative agreements, and other transactions” for “and cooperative agreements”.

1998—Par. (2). Pub. L. 105-178 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the term ‘high-speed rail’ has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976;”.

§ 26106. High-speed rail corridor development

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor development program.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICANT.—The term “applicant” means a State, a group of States, an Interstate Compact, a public agency established by one or

more States and having responsibility for providing high-speed rail service, or Amtrak.

(2) CORRIDOR.—The term “corridor” means a corridor designated by the Secretary pursuant to section 104(d)(2)¹ of title 23.

(3) CAPITAL PROJECT.—The term “capital project” means a project or program in a State rail plan developed under chapter 227 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

(4) HIGH-SPEED RAIL.—The term “high-speed rail” means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

(5) INTERCITY PASSENGER RAIL SERVICE.—The term “intercity passenger rail service” has the meaning given the term “intercity rail passenger transportation” in section 24102 of this title.

(6) STATE.—The term “State” means any of the 50 States or the District of Columbia.

(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

(B) conduct a national solicitation for applications; and

(C) award grants on a competitive basis.

(2) GRANT CRITERIA.—The Secretary, in selecting the recipients of high-speed rail development grants to be provided under subsection (c), shall—

(A) require—

(i) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008;

(ii) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project,

¹ So in original.

¹ See References in Text note below.

satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

(iii) that the project be based on the results of preliminary engineering studies or other planning, including corridor planning activities funded under section 26101 of this title;

(iv) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

(v) that if an applicant has selected the proposed operator of its service, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

(vi) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

(vii) that each project be compatible with, and operated in conformance with—

(I) plans developed pursuant to the requirements of section 135 of title 23; and

(II) the national rail plan (if it is available);

(B) select high-speed rail projects—

(i) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of the project's—

(I) levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

(II) anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

(ii) for which there is a high degree of confidence that the proposed project is feasible and will result in the anticipated benefits, as indicated by—

(I) the project's precommencement compliance with environmental protection requirements;

(II) the readiness of the project to be commenced;

(III) the commitment of any affected host rail carrier to ensure the realization of the anticipated benefits; and

(IV) other relevant factors as determined by the Secretary;

(iii) for which the level of the anticipated benefits compares favorably to the amount of Federal funding requested under this section; and

(C) give greater consideration to projects—

(i) that are anticipated to result in benefits to other modes of transportation and to the public at large, including, but not limited to, consideration of the project's—

(I) encouragement of intermodal connectivity through provision of direct

connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

(II) anticipated improvement of conventional intercity passenger, freight, or commuter rail operations;

(III) use of positive train control technologies;

(IV) environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

(V) anticipated positive economic and employment impacts;

(VI) encouragement of State and private contributions toward station development, energy and environmental efficiency, and economic benefits; and

(VII) falling under the description in section 5302(a)(1)(G)¹ of this title as defined to support intercity passenger rail service; and

(ii) that incorporate equitable financial participation in the project's financing, including, but not limited to, consideration of—

(I) donated property interests or services;

(II) financial contributions by intercity passenger, freight, and commuter rail carriers commensurate with the benefit expected to their operations; and

(III) financial commitments from host railroads, non-Federal governmental entities, non-governmental entities, and others.

(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this chapter to comply with the grant requirements of section 22905.

(4) STATE RAIL PLANS.—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of chapter 227 of this title, as determined by the Secretary pursuant to section 22506¹ of this title, shall be deemed by the Secretary to have met the requirements of paragraph (2)(A)(i) of this subsection.

(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

(g) ISSUANCE OF REGULATIONS.—Within 1 year after the date of enactment of this section, the Secretary shall issue regulations to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) \$150,000,000 for fiscal year 2009;

(2) \$300,000,000 for fiscal year 2010;

(3) \$350,000,000 for fiscal year 2011;

(4) \$350,000,000 for fiscal year 2012; and

(5) \$350,000,000 for fiscal year 2013.

(Added Pub. L. 110-432, div. B, title V, §501(d), Oct. 16, 2008, 122 Stat. 4960; amended Pub. L. 115-420, §7(b)(3)(A)(ii), Jan. 3, 2019, 132 Stat. 5447.)

Editorial Notes

REFERENCES IN TEXT

Section 104 of title 23, referred to in subsec. (b)(2), was amended generally by Pub. L. 112-141, div. A, title I, § 1105(a), July 6, 2012, 126 Stat. 427.

Section 211 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (e)(2)(A)(i), is section 211 of Pub. L. 110-432, which was set out as a note under section 24902 of this title, prior to repeal by Pub. L. 114-94, div. A, title XI, § 11306(b)(3), Dec. 4, 2015, 129 Stat. 1660.

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to subsec. (e)(2)(B)(i)(I), is section 207 of Pub. L. 110-432, which is set out in a note under section 24101 of this title.

Section 5302 of this title, referred to in subsec. (e)(2)(C)(i)(VII), was amended generally by Pub. L. 112-141, div. B, § 20004, July 6, 2012, 126 Stat. 623, and, as so amended, no longer contains a subsec. (a)(1)(G), which described a type of capital project. However, capital project is defined elsewhere in that section.

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (e)(4), is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

Section 22506 of this title, referred to in subsec. (e)(4), probably should be a reference to section 22706 of this title which requires the Secretary to prescribe procedures for submitting State rail plans for review. No section 22506 of this title has been enacted.

The date of enactment of this section, referred to in subsec. (g), is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

AMENDMENTS

2019—Subsec. (e)(3). Pub. L. 115-420 substituted “22905” for “24405 of this title”.

Statutory Notes and Related Subsidiaries

ADDITIONAL HIGH-SPEED RAIL PROJECTS

Pub. L. 110-432, div. B, title V, § 502, Oct. 16, 2008, 122 Stat. 4963, as amended by Pub. L. 115-420, § 7(b)(3)(B)(ii), Jan. 3, 2019, 132 Stat. 5447, provided that:

“(a) SOLICITATION OF PROPOSALS.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 16, 2008], the Secretary [of Transportation] shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of a high-speed intercity passenger rail system operating within a high-speed rail corridor, including—

- “(A) the Northeast Corridor;
- “(B) the California Corridor;
- “(C) the Empire Corridor;
- “(D) the Pacific Northwest Corridor;
- “(E) the South Central Corridor;
- “(F) the Gulf Coast Corridor;
- “(G) the Chicago Hub Network;
- “(H) the Florida Corridor;
- “(I) the Keystone Corridor;
- “(J) the Northern New England Corridor; and
- “(K) the Southeast Corridor.

“(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 270 days after the publication of such request for proposals under paragraph (1).

“(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) must meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal must be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

“(4) CONTENTS.—A proposal submitted under this subsection shall include—

“(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

“(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

“(C) a description of how the project would comply with Federal rail safety and security laws, orders, and regulations governing high-speed rail operations;

“(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

“(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

“(F) a description of any proposed legislation needed to facilitate all aspects of the project;

“(G) a financing plan identifying—

“(i) projected revenue, and sources thereof;

“(ii) the amount of any requested public contribution toward the project, and proposed sources;

“(iii) projected annual ridership projections for the first 10 years of operations;

“(iv) annual operations and capital costs;

“(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

“(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

“(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

“(H) a description of how the project would contribute to the development of a national high-speed rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

“(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 22905 of title 49, United States Code;

“(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

“(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what the [sic] environmental impacts would result from the project, and how any adverse impacts would be mitigated; and

“(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

“(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 60 days after receipt of the proposals under subsection (a), the Secretary shall—

“(1) make a determination as to whether any such proposals—

“(A) contain the information required under subsection (a)(3) and (4);

“(B) are sufficiently credible to warrant further consideration;

“(C) are likely to result in a positive impact on the Nation’s transportation system; and

“(D) are cost-effective and in the public interest; and

“(2) establish a commission under subsection (c) for each corridor with one or more proposals that the Secretary determines satisfies the requirements of paragraph (1), and forward to each commission such proposals for review and consideration.

“(c) COMMISSIONS.—

“(1) MEMBERS.—Each commission referred to in subsection (b)(2) shall include—

“(A) the governors of the affected States, or their respective designees;

“(B) mayors of appropriate municipalities along the proposed corridor, or their respective designees;

“(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

“(D) a representative from each transit authority using the relevant corridor, if applicable;

“(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

“(D) [sic] the President of Amtrak or his or her designee.

“(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission’s members to fulfill the requirements under paragraph (1)(B) and (E), the Secretary shall consult with the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

“(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

“(4) QUORUM AND VACANCY.—

“(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

“(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

“(5) APPLICATION OF LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (P.L. 92-463) [5 U.S.C. App.] shall apply to each commission created under this section.

“(d) COMMISSION CONSIDERATION.—

“(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report which includes—

“(A) a summary of each proposal received;

“(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

“(C) proposed public and private contributions for each proposal;

“(D) the advantages offered by the proposal over existing intercity passenger rail services;

“(E) public operating subsidies or assets needed for the proposed project;

“(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

“(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal’s projected positive impact on the Nation’s transportation system;

“(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

“(I) any other recommendations by the commission concerning the proposed projects.

“(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

“(e) SELECTION BY SECRETARY.—

“(1) Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

“(A) review such proposals and select any proposal which provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

“(B) issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other relevant information deemed appropriate.

“(2) Following the submission of the report under paragraph (1)(B), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other relevant information deemed appropriate.

“(3) The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1) has been considered through a hearing by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the report submitted under paragraph (1)(B).

“(f) PRELIMINARY ENGINEERING.—For planning and preliminary engineering activities that meet the criteria of section 26101 of title 49, United States Code, (other than subsections (a) and (b)(2)) that are undertaken after the Secretary submits reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as required under subsection (e), not to exceed \$5,000,000 is authorized to be appropriated from funds made available under section 26104(a) of such title. Only 1 proposal for each corridor under subsection (a) shall be eligible for such funds.

“(g) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act [Oct. 16, 2008].

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) INTERCITY PASSENGER RAIL.—The term ‘intercity passenger rail’ means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

“(2) STATE.—The term ‘State’ means any of the 50 States or the District of Columbia.

“(3) NORTHEAST CORRIDOR.—The term ‘Northeast Corridor’ has the meaning given under section 24102 of title 49, United States Code.

“(4) HIGH-SPEED RAIL CORRIDOR.—The terms ‘high-speed rail corridor’ and ‘corridor’ mean a corridor

designated by the Secretary pursuant to [former] section 104(d)(2) of title 23, United States Code, and the Northeast Corridor.”

PART E—MISCELLANEOUS

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616, redesignated part D of this subtitle as part E.

CHAPTER 281—LAW ENFORCEMENT

Sec.

28101.	Rail police officers.
28102.	Limit on certain accident or incident liability.
28103.	Limitations on rail passenger transportation liability.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-134, title I, §161(b), Dec. 2, 1997, 111 Stat. 2578, added item 28103.

1994—Pub. L. 103-440, title I, §103(a)(1), (b)(2), Nov. 2, 1994, 108 Stat. 4616, 4619, renumbered chapter 261 of this title as chapter 281 and items 26101 and 26102 as 28101 and 28102, respectively.

Statutory Notes and Related Subsidiaries

UNITED STATES-CANADA ALASKA RAIL COMMISSION

Pub. L. 106-570, title III, Dec. 27, 2000, 114 Stat. 3043, provided that:

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Rails to Resources Act of 2000’.

“SEC. 302. FINDINGS.

“Congress finds that—

“(1) rail transportation is an essential component of the North American intermodal transportation system;

“(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the States, territories and provinces of the two countries;

“(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

“(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

“(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

“(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

“SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

“The President is authorized and urged to enter into an agreement with the Government of Canada to estab-

lish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

“SEC. 304. COMPOSITION OF COMMISSION.

“(a) MEMBERSHIP.—

“(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

“(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

“(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

“(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

“(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

“(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

“(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

“(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

“(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

“(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

“(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

“(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

“SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

“(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

“(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

“(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.